

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6435

BILL NUMBER: HB 1014

DATE PREPARED: Nov 17, 2000

BILL AMENDED:

SUBJECT: Offenses relating to methamphetamine.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill makes criminal penalties for offenses relating to methamphetamine equivalent to criminal penalties for offenses relating to cocaine. The bill makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine, including: (1) specifying that a juvenile court does not have jurisdiction over a person for allegedly dealing in methamphetamine; (2) providing that if a person commits possessing or dealing in methamphetamine, certain occupational and professional licenses and certifications held by the person may be revoked or suspended; and (3) providing that certain property used by the person to commit the offense may be seized.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill creates a felony murder, a Class A felony, a Class B felony, a Class C felony, and a Class D felony for offenses specified in the bill. The following prison terms apply: (1) murder is punishable by a prison term from 45 to 65 years, death penalty, or life without parole depending upon mitigating and aggravating circumstances; (2) a Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances; (3) a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances; (4) a Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances; and (5) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities is as follows: (1) for all murder offenders it is approximately 17 years, 6 months; (2) for all Class A felony

offenders it is approximately eight years, four months; (3) for all Class B felony offenders it is approximately three years, six months; (4) for all Class C felony offenders it is approximately two years; and (5) for all Class D felony offenders it is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

In addition, persons convicted of a drug related offense may also be liable for a drug abuse, prosecution, interdiction and correction fee ranging between \$200 and \$1,000. The revenue collected from this fee is deposited in the state user fee fund and distributed to state and local programs.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

In addition, if a person is convicted of a drug related offense, a sentencing court may assess a marijuana eradication fee of not more than \$300 (if the county has established a Weed Control Board). The court may also assess an alcohol and drug services program fee of not more than \$300 if a local government has established an alcohol and drug services program. Revenue collected from the marijuana eradication fee is deposited into the county user fee fund. Revenue collected from the alcohol and drug services program fee is deposited in the county or city or town user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.